


EL PASO COUNTY
COLORADO

COMMISSIONERS:
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
 Brian Risley, Chair**

**FROM: Ryan Howser, Planner II
 Daniel Torres, PE Engineer II
 Craig Dossey, Executive Director**

**RE: Project File #: SF-20-030
 Project Name: Glen at Widefield Filing No. 9B
 Parcel No.: 55223-08-020**

OWNER:	REPRESENTATIVE:
Glen Investment Group No. VIII, LLC 3 Widefield Blvd Colorado Springs, CO, 80911	Glen Investment Group No. VIII, LLC 3 Widefield Blvd Colorado Springs, CO, 80911

Commissioner District: 4

Planning Commission Hearing Date:	4/1/2021
Board of County Commissioners Hearing Date	4/27/2021

EXECUTIVE SUMMARY

A request by Glen Investment Group No. VIII, LLC, for approval of a vacation and replat of tract "D" to create two (2) single-family residential lots. The 15,000 square foot property is zoned RS-6000 (Residential Suburban) and CAD-O (Commercial Airport Overlay) and is located on the east side of Bigtooth Maple Drive, approximately three-quarters (3/4) of a mile north of the Mesa Ridge Parkway and Marksheffel Road intersection and is within Section 22, Township 15 South, Range 65 West of the 6th P.M. The property is not located within the boundaries of a small area plan.

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

The proposed Glen at Widefield Filing No. 9B is consistent with the RS-6000 zoning district, the approved sketch plan (PCD file no. SKP-01-003), and the approved preliminary plan (PCD file no. SP-15-004). The final plat application meets the submittal and review criteria for a final plat as well as the general development standards of Chapter 6, the final plat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2019).

Water and wastewater services will be provided by Widefield Water and Sanitation District for the two lots within the subdivision.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Glen Investment Group No. VIII, LLC, for approval of a final plat to create two (2) single-family residential lots.

Waiver(s)/Deviation(s): No waivers are requested with this vacation and replat.

Authorization to Sign: Final plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified, or additional lots are created. In approving a replat, the following findings shall be made:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;

- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved

D. LOCATION

North: RS-6000 (Residential Suburban)	Single family residential
South: RS-6000 (Residential Suburban)	Single family residential
East: RS-6000 (Residential Suburban)	Single family residential
West: RS-6000 (Residential Suburban)	Single family residential

E. BACKGROUND

The property was zoned A-4 (Agricultural) on September 20, 1965 when zoning was initiated for this portion of El Paso County. Due to changes in nomenclature of the Land Development Code, the A-4 zoning district has been renamed to the RR-5 (Residential Rural) zoning District. The property was rezoned to the RS-6000 (Residential Suburban) in 1983. The parcels were part of the Glen at Widefield Sketch Plan (PCD file no. SKP-01-003), which was approved by the Board of County Commissioners on October 11, 2001. The Sketch Plan identified this area as being planned for single-family residential development.

A preliminary plan (PCD file no. SP-15-004) was approved by the Board of County Commissioners on June 28, 2016. Approval for pre-development site grading and installation of wet utilities (water and sewer) was granted by the Board of County Commissioners on April 20, 2016.

A final plat for the Glen at Widefield Filing No. 9 (PCD file no. SF-18-005) was approved by the Board of County Commissioners on October 9, 2018. The subject property was established as “Tract D” within Filing No. 9 due to potential concerns regarding slope stabilization. Since then, additional geologic studies have been performed on the property and have concluded that slope stabilization has been conducted and “Tract D” is suitable for traditional construction methods for single family residential lots. Therefore, the applicant is proposing to vacate “Tract D” and replat it as two (2) single family residential lots.

F. ANALYSIS

1. Land Development Code Compliance

This application meets the requirements of Sections 7.2.3.A (Vacation) and 7.2.3.C (Replat), Actions Vacating or Altering a Recorded Plat, the vacation and replat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code.

2. Zoning Compliance

The property is zoned RS-6000. The RS-6000 zoning district is intended to accommodate single-family residential development. The density and dimensional standards of the RS-6000 zoning district are as follows:

- Minimum lot size – 6,000 square feet
- Setbacks – 25 feet from front and rear lot lines; 5 feet from side lot lines
- Maximum building height – 30 feet
- Maximum lot coverage – 40 percent if two-story; 45 percent if single-story

The proposed replat is in compliance with the standards of the RS-6000 zoning district. Individual site plans will need to be submitted for review for each proposed single-family dwelling in order to ensure compliance with the applicable dimensional standards

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County master plan. A finding of consistency with the El Paso County Policy Plan was previously made by the Board of County Commissioners with approval of the Glen at Widefield Filing No. 9 final plat. The proposed final plat application is consistent with the findings of the prior approval.

4. Small Area Plan Analysis

The property is not located within the boundaries of a small area plan.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

Policy 1.1.1 – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

Goal 1.2 – *Integrate water and land use planning.*

The subject property is located within Planning Region 7, Fountain Area, which is expected to have the largest growth demand in the County by 2060. Specifically, the Plan states:

“Areas projected to develop by 2040 are located south of Fountain (City) on the north and south sides of Link Road. Areas northwest of Fountain along the east and west sides of Marksheffel Road are also expected to grow by then, as well as the area south of Fountain on the west side of I-25.”

The property is located within an estimated area of future development expected to reach build-out by 2060. Region 7 does not draw from the Denver Basin aquifer and is not identified as potentially having issues regarding long term sustainable draw. The Plan identifies the current demands for Region 7 to be 10,141 acre-feet per year (AFY) with a current supply of 15,376 AFY (Figure 5.1). The demand in 2040 is projected to be 15,845 AFY with a projected supply of 25,241 AFY (Figure 5.2). At build-out in 2060, the demand for Region 3 is projected to be 26,969 AFY with a projected supply of 27,840 AFY, which means by 2060 there is anticipated to be a surplus of 871 AFY (Figure 5.3, Table 5-2).

The property is serviced by the Widefield Water and Sanitation District. The District was sent a referral and does not have any outstanding comments. The District has indicated adequate water supplies are available to service the proposed subdivision.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Environmental Services was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits and coal in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Staff did not identify any inconsistencies with the 2016 Major Transportation Corridors Plan Update (MTCP) during the review of the proposed vacation and replat application.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A geology and soils report, dated November 4, 2015, was prepared by Hepworth-Pawlek Geo-Technical, Inc., in support of the approved preliminary plan (SP-15-004) and this final plat application. The report provides a geologic hazard evaluation and preliminary geotechnical investigation of the plan area. The report identified the following hazards: potentially unstable soils, shallow groundwater, and potential swell characteristics in the soil and bedrock.

Additional studies were performed and prepared by J&K Geological Services on December 8, 2017 and February 6, 2019. The new studies indicate that the slope stabilization has been conducted and that those areas previously left as no build areas in "Tract D" are now stable and can be built on with traditional construction methods. Colorado Geological Survey (CGS) was sent a referral and has no outstanding comments.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Environmental Services was sent a referral and has no outstanding comments.

3. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0956G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within the West Fork Jimmy Camp Creek (FOFO2000) drainage basin. The West Fork Jimmy Camp Creek drainage basin is a studied basin with drainage and bridge fees. The subdivision is subject to the Drainage Basin Fee program which requires fees to be paid at the time of final plat recordation. Drainage fees in the amount of \$1,332.55 and bridge fees in the amount of \$394.23 shall be paid by the developer at the time of plat recordation.

Runoff from the site will be collected via an existing storm sewer system that will convey the flows into two existing full spectrum detention ponds (Pond A & Pond B), which will provide water quality and flood control storage. Per the associated drainage letter, there are no proposed drainage improvements and there will be no effect on the existing drainage patterns as the site was previously analyzed and accounted for in the approved drainage report submitted with Glen at Widefield Filing No. 9, dated July 26, 2018.

A grading and erosion control plan was not required as there is no land disturbance proposed with this subdivision.

5. Transportation

The site is located within the Glen at Widefield Filing No. 9 subdivision, which is located north of Mesa Ridge Parkway and west of Marksheffel Road. The two proposed lots will be accessed from the existing public right-of-way of Bigtooth Maple Drive. The proposed subdivision will have a minimal impact to the County's transportation network. The lots will be required to obtain access permits.

The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended. The two proposed lots are included within the boundaries of the ten (10) mill Public Improvement District No. 2 (PID No. 2).

H. SERVICES

1. Water

The subdivision will be served by Widefield Water and Sanitation District.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Water Engineer's Office has made a recommendation regarding a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's

Office recommends a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality and has no outstanding comments.

2. Sanitation

Widefield Water and Sanitation District has committed to provide wastewater service to the development.

3. Emergency Services

The property is within the Security Fire Protection District. The District was sent a referral for the final plat and did not provide a response.

4. Utilities

Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the area included within the replat.

5. Metropolitan Districts

The site is within The Glen Metropolitan District No. 3. The District is responsible for ownership and maintenance of drainage, landscaping, and open space tracts within the overall Glen Development.

6. Parks/Trails

The El Paso County Parks Master Plan (2013) does not depict any existing or planned parks or trails in vicinity of the property. Fees in lieu of park land dedication in the amount of \$934.00 for regional parks fees and \$590.00 for urban park fees will be due at the time of recording the replat.

7. Schools

Fees in lieu of school land dedication in the amount of \$414.00 shall be paid to El Paso County for the benefit of Widefield School District No. 3 at the time of recording the replat.

I. APPLICABLE RESOLUTIONS

Approval Page 19
Disapproval Page 20

J. STATUS OF MAJOR ISSUES

There are no major issues at this time.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any

amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

8. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$934.00 and urban park (Area 4) fees in the amount of \$590.00 shall be paid at time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$414.00 shall be paid to El Paso County for the benefit of Widefield School District No. 3 at the time of plat recordation.
10. Drainage fees in the amount of \$1,332.55 and bridge fees in the amount of \$394.23 for the West Fork Jimmy Camp Creek drainage basin (FOFO2000) shall be paid to El Paso County at the time of plat recordation.

NOTATION

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified four (4) adjoining property owners on March 16, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter

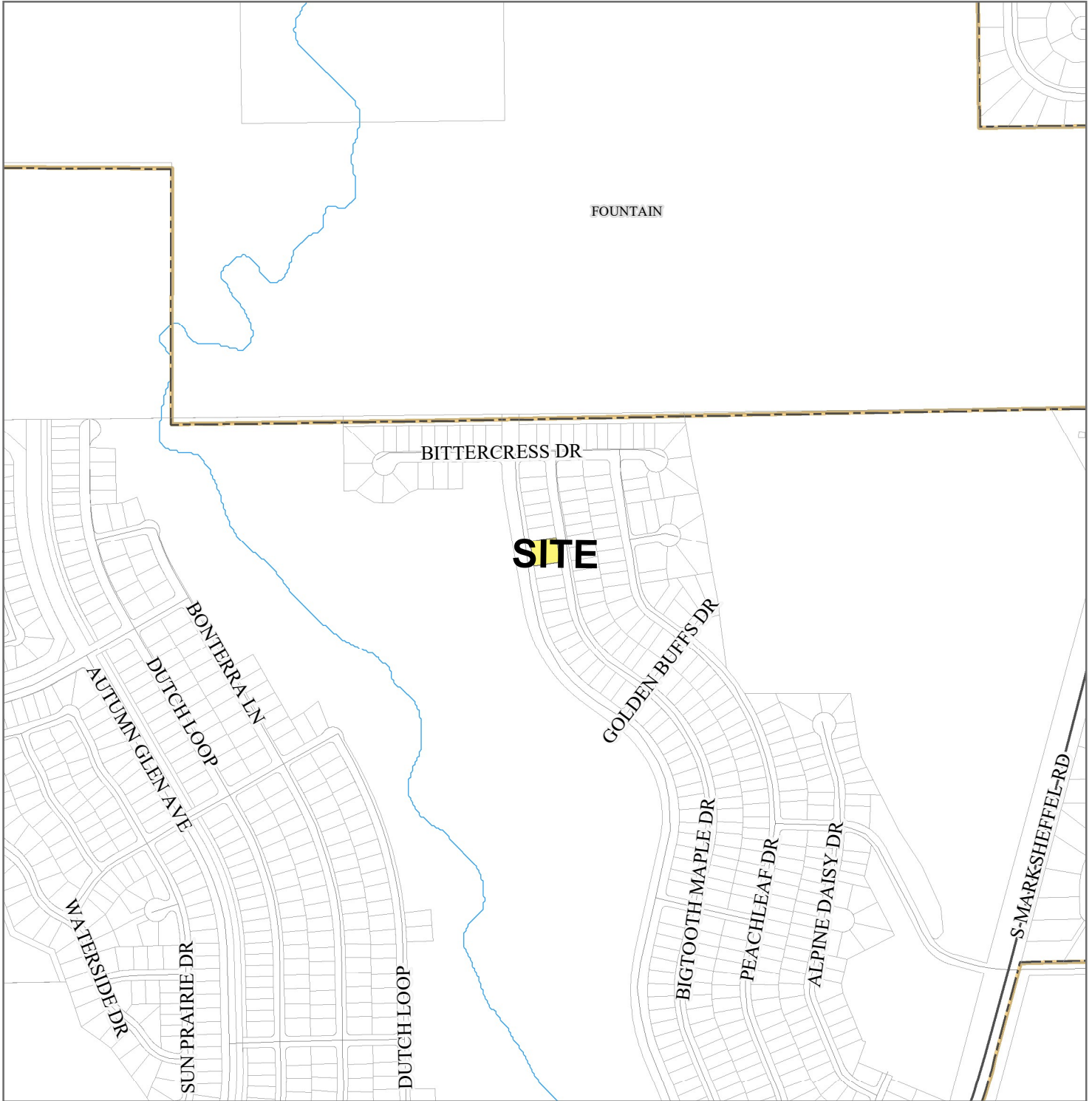
El Paso County Parcel Information

File Name: SF-20-030

PARCE	NAME
5522308	GLEN INVESTMENT GROUP

Zone Map No. --

Date: March 12, 2021



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
11 (719) 520-6600



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LETTER OF INTENT
THE GLEN AT WIDEFIELD FILING NO. 9B a Vacation and Replat of Tract D of THE GLEN
AT WIDEFIELD FILING NO. 9

November 9, 2020
Rev. December 7, 2020
Rev. January 19th, 2021

OWNER/APPLICANT:

Glen Investment Group No. VIII, LLC
3 Widefield Boulevard
Colorado Springs, CO 80911
(719) 392-0194

OWNER:

Glen Investment Group No. VIII, LLC
3 Widefield Boulevard
Colorado Springs, CO 80911
(719) 392-0194

PLANNING/PROCESSING CONSULTANT:

James Nass
Nass Design Associates
111 S. Tejon St., Suite 312
Colorado Springs, CO 80903
(719) 475-2406

SURVEYING CONSULTANT:

John Towner
Pinnacle Land Surveying Co.
121 County Road 5
Divide, CO 80814
(719) 634-0751

ENGINEERING CONSULTANT:

Andy McCord
Kiowa Engineering Corp.
1604 South 21st Street
Colorado Springs, CO 80904
(719) 630-7342

SITE LOCATION AND SIZE: This plat is a replat of Tract D which is a parcel of land located between Bigtooth Maple Drive and Spring Glen Drive north of existing Lot 13 and south of existing Lot 14 in The Glen at Widefield Filing No. 9 plat. This tract is a parcel of land comprised of 15,000sf of land.

PRESENT ZONING: RS- 6000 (Single Family Residential - Minimum Lot Size 6000sf.)

PURPOSE: To vacate and replat Tract D into two residential lots of equal size of 7,500sf each. The replat will also remove the previous “No Structures” lines from these proposed lots. Additional reports discussing the geologic mitigation that has been conducted to this area to stabilize any unstable slopes is a part of this submission.

HISTORICAL CONTEXT:

The Glen at Widefield East Preliminary Plan was approved in 2016 for a parcel of land which encompassed 294.19 acres of land. That preliminary plan was then parceled into final plats for filings 7-12. As a part of the preliminary plan submission extensive soils and geological studies were prepared by STE, Inc. in April 16,2007, with an additional study prepared on December 8th, 2017. Additional studies and mitigation recommendations were prepared by Hepworth-Pawlak Geotechnical, Inc. on April 16, 2007. These studies can be found in the files of El Paso County in File Nos. SP-15-004. At the time of these studies it was determined that certain areas of the preliminary plan area had some geologic hazards associated with expansive and hydrocompactive soils. They also identified high ground

water areas and a map was produced and included with the preliminary plat depicting those geologic hazard and high groundwater areas and the plan depicted those lots which would require further geotechnical analysis and that there would be a restriction on basements on specific lots and slope stabilization on some areas left in tracts until further analysis and mitigation measures were taken into consideration. Tract D specifically had a no structure line shown on the plan due to possible slope stabilization issues along Spring Glen Drive.

Additional studies have now been performed and prepared by J&K Geological Services on December 8th 2017, and February 6, 2019. Letters dated September 26, 2020 and a recent response letter dated January 18, 2021 accompanies the geologic studies and explains the slope stabilization that has been conducted and that those areas previously left as no build areas in Tract D are now stable and can be built on with traditional construction methods. The tract will now be concurrently vacated and replatted into two single family residential lots.

APPLICABILITY:

LDC 7.2.3(C) A replat shall be required in order to substantially alter an existing recorded subdivision plat or where the standards for a lot line adjustment are exceeded.

Replat of the previous Tract D area into two Single Family Residential Lots:

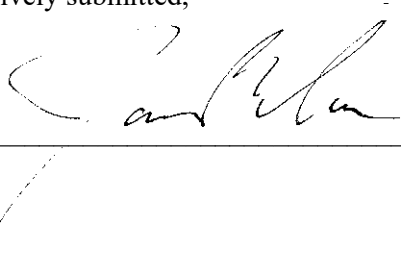
- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;. This replat complies with the original conditions and in conformance with, LDC 7.2.1(C) 2 Major Subdivisions, which was applicable to the original subdivision plat of The Glen at Widefield Sub. Filing 9. All code requirements and policies of LDC 7.2.1 D(3) Final Plat, have been met on the Replat document.
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased; the proposed two lots to be created are in conformance with the zoning code LDC 3.2.3.(B) RS-6000 and are sized at 7,500sf a piece, and no nonconforming lots are being created in this subdivision.
- The replat is in keeping with the purpose and intent of this Code; this replat complies with and is in conformance with all code requirements and policies. All code requirements and policies of LDC 7.2.1 D(3) Final Plat, have been met on the Replat document.
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable, This replat does conform to the required findings for major subdivisions as that was what the original plat for The Glen at Widefield Sub. 9 was created under and all provisions of that plat are contained within this plat document.
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM; Access to the two proposed lots is from the existing public right of way of Bigtooth Maple Drive.
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved. The two proposed lots will be subject to all restrictions and guidelines of the Declaration of Covenants, Conditions,

Restrictions and Easements for Glen Filings No. 7 -10 recorded August 1, 2016 at Reception No. 216085646. First Amendment to said Declaration recorded March 15,2019 at Reception No. 219026578 and Second Amendment to said Declaration recorded June 12, 2019 at Reception No. 219064437. The platting of these two lots which will be developed in conformance with all plat and zoning criteria and also in conformance with all adjacent lots will not adversely affect the public health, safety and welfare.

CONCLUSIONS:

Our intent is to vacate and replat Tract D into two single family residential lots and that the additional geological studies that have been submitted show that this area is stable and can be developed for typical residential housing. This replat is in compliance with the zoning, and code requirements of El Paso County.

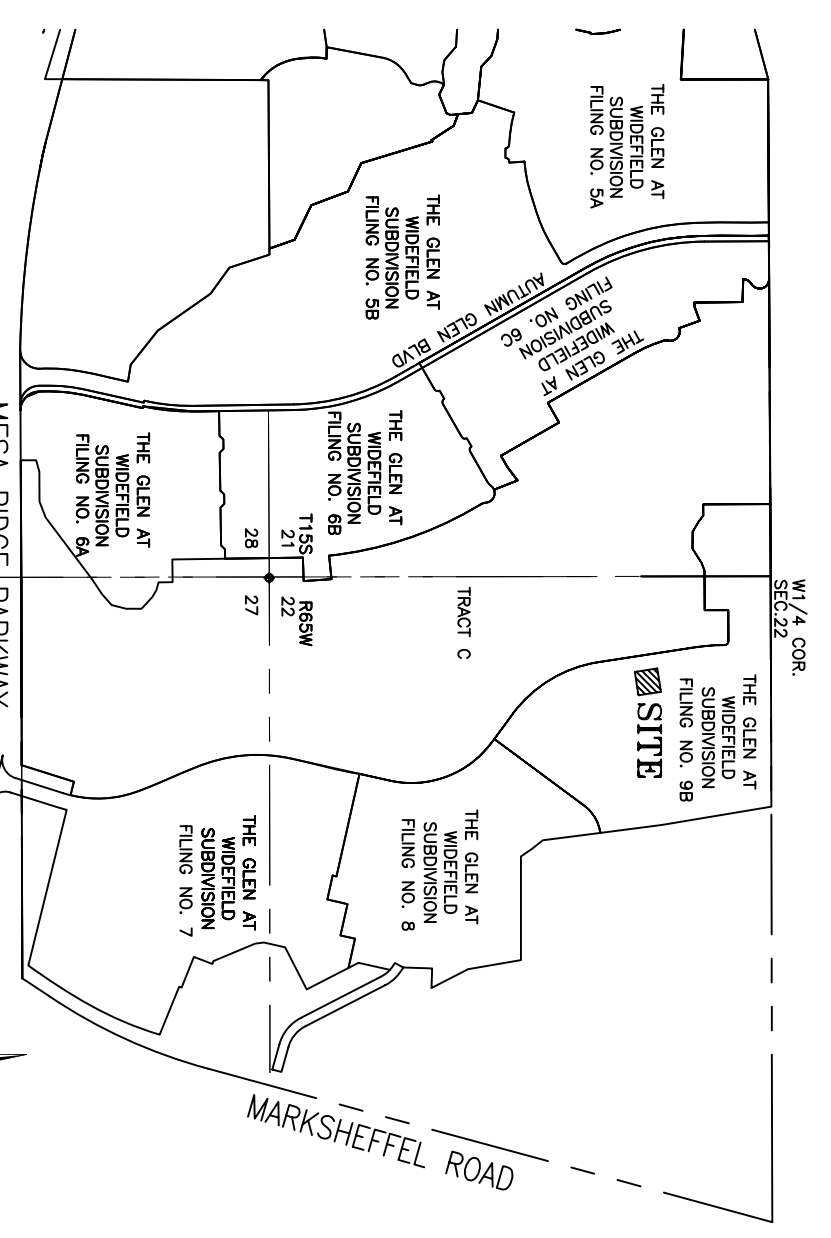
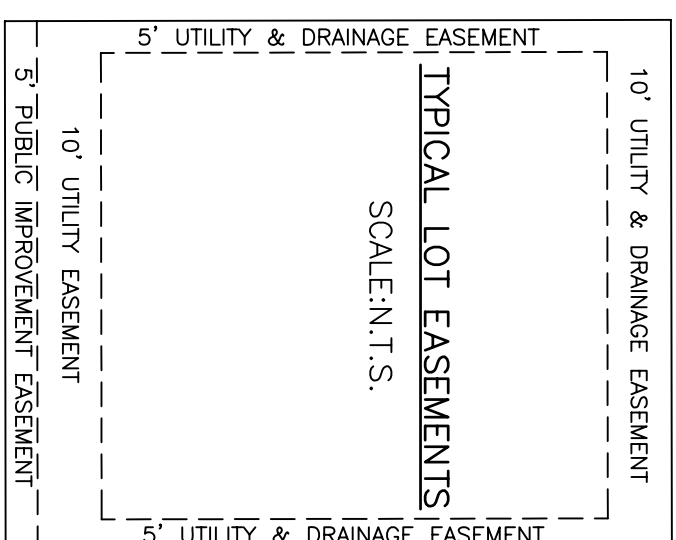
Respectively submitted,



James P. Nass, Nass Design Associates

THE GLEN AT WIDEFIELD SUBDIVISION FILING NO. 9B

A replat of Tract D, The Glen at Widefield Subdivision Filing No. 9A Located in a portion of the Southwest One-quarter (SW1/4) of Section 22 Township 15 South (T15S), Range 65 West (R65W) of the 6th P.M., County of El Paso, State of Colorado



KNOW ALL MEN BY THESE PRESENTS:

That Glen Investment Group No. VIII, LLC, being the owner of the described tract of land, to wit: LAND DESCRIPTION, THE GLEN AT WIDEFIELD SUBDIVISION FILING NO. 9B:

A tract of land located in a portion of the Southwest One-quarter (SW1/4) of Section 22, Township 15 South (T15S), Range 65 West (R65W) of the 6th P.M., County of El Paso, State of Colorado, being more particularly described as follows:

Tract D, The Glen at Widefield Subdivision Filing No. 9A as recorded under Reception No. 220714523 in the records of the Clerk and Recorder's Office, County of El Paso, State of Colorado, being more particularly described as follows: Beginning at the Northeast corner of Lot 13 of said Glen at Widefield Subdivision Filing No. 9A, Thence S81°15'58"W along the North line of said Lot 13, a distance of 125.00 feet to the Northwest corner of said Lot 13; Said point being the Northwest corner of said Lot 13, Thence S81°15'58"W along the West line of said Lot 13, a distance of 120.00 feet to the Southwest corner of said Lot 14; Right-of-Way line of said Spring Glen Drive, a distance of 120.00 feet to the Southwest corner of Lot 14 of said Glen at Widefield Subdivision Filing No. 9; Thence N81°15'59"E along the South line of said Lot 14, a distance of 80.00 feet to the Northeast corner of said Lot 26, Thence S81°15'58"W along the West line of said Lot 26, a distance of 120.00 feet to the Point of Beginning.

Said tract contains 0.344 acres (15,000 s.f.) more or less.

OWNERS CERTIFICATE:

The undersigned being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have had out, subdivided, and platted said lands into lots, streets, and easements as shown hereon under the name and subdivision of THE GLEN AT WIDEFIELD SUBDIVISION FILING NO. 9B. The undersigned hereby certify that they are the owners and hold the same in fee. The undersigned communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

Glen Investment Group No. VIII, LLC

J. Mark Watson President Glen Investment Group No. VIII, LLC

NOTARIAL:

STATE OF COLORADO) COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ A.D., by J. Mark Watson, President of Glen Investment Group No. VIII, LLC

Witness My Hand and Seal: _____ Notary Public

My Commission Expires: _____

Address: _____

DEDICATION:

The above plat, in interest, has caused said tract to be platted into Lots and Easements as shown on the plot, which is drawn to a fixed scale as indicated hereon, and accurately sets forth the boundaries and dimensions of said Lots, Blocks, Streets, Easements, and Tracts which shall be known as "THE GLEN AT WIDEFIELD SUBDIVISION FILING NO. 9B", El Paso County, Colorado. All streets as indicated are hereby dedicated to public use and said owner does hereby personally covenant and agree that oil, gas, water, or other mineral rights, being mineral rights owned by the owner, shall be provided at his own expense, oil to the satisfaction of the Board of County Commissioners of El Paso County, Colorado, and water to the satisfaction of the Board of County Commissioners of El Paso County, Colorado, on streets or sidewalks, or streets so dedicated will become markers of maintenance by El Paso County, Colorado.

BASIS OF BEARINGS STATEMENT:

The bearings of this plat, one based upon a portion of the Eastern boundary of the Glen at Widefield Subdivision Filing No. 9B as recorded under Reception No. 220714523 in the records of the Clerk and Recorder's Office, County of El Paso, State of Colorado, said line being also a portion of the Eastern Right-of-Way line of Autumn Glen Avenue as described in said subdivision, being monumented at the Point of Beginning of said subdivision, and the other based upon the bearing of the Eastern boundary of said subdivision as monumented by a found rider and cap marked "TJSC 25988". Said line bears N29°46'44"W, a distance of 1154.12 feet.

EASEMENTS:

Unless shown greater in width, both sides of all side lot lines will be platted with five (5') foot easements for drainage purposes and public utilities only, and both sides of all rear lot lines will be platted with a ten (10') foot easement for drainage purposes and public utilities only. A fifteen (15') foot easement, being a ten (10') foot easement adjacent to that fifty (50') foot right-of-way for public improvements and a ten (10') foot easement adjacent to the five (5') foot easement for utility purposes, with sole responsibility for maintenance being vested with the adjoining property owners.

NOTES:

1. These tracts of land are subject to the following per the Commitment for Title Insurance, prepared by Unified Title Company, Order No. 798030UTC, effective date November 26, 2020 at 7:30 A.M.

9. Subject to (1) any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes and rights to drains and reservoirs used in connection with such water rights, as may be recognized and acknowledged in accordance with applicable law, and (2) any other interests in the land, the owner hereby covenants and agrees to remove the one (1) inch easement, should the same be found to preclude or interfere with the premises hereby granted, as provided by Section 17-101, R.S.C., with respect to water rights, and to defend, hold harmless, and indemnify the other parties to this deed from and against all claims, damages, losses, costs, expenses, attorneys' fees, and litigation, incurred by them from and arising out of or from any such removal, from and including, but not limited to, the date of the filing of this instrument through the date of the final plat for this subdivision, and the date of the final plat for this subdivision, and the date of the final plat for this subdivision.

10. Terms, agreements, provisions, conditions and obligations as contained in Agreement No. 01-368 recorded between Sanction District and JGW Investment Company recorded May 6, 1987 (S-19-004) recorded June 29, 2016 at Reception No. 220505073 and JGW Investment Company recorded May 6, 1987 (S-19-004) recorded June 29, 2016 at Reception No. 220505073, and the terms, agreements, provisions, conditions and obligations as contained in Agreement No. 201162421, the Glen at Widefield Springs Ridge Street, Plan recorded November 2, 2001 at Reception No. 201162421.

12. The effect of inclusion of the subject property within the Glen Metropolitan District No. 3 as disclosed Order of Inclusion recorded April 29, 2020 at Reception No. 220207951.

13. Terms, agreements, provisions, conditions and obligations as contained in Development Agreement recorded November 25, 2020 at Reception No. 220518158 and recorded May 26, 2020 at Reception No. 220517948.

14. The effect of inclusion of the subject property within the Security Fire Protection District as evidenced by Order of Inclusion recorded April 29, 2020 at Reception No. 220207951.

15. Terms, agreements, provisions, conditions and obligations as evidenced in Resolution, No. 07-119 Approving Airport Overlay Reopening-Coronado Springs Municipal Airport (S-06-004)-El Paso County in Connection with the Colorado Springs Municipal Airport recorded July 18, 2007 at Reception No. 207095753.

16. Terms, agreements, provisions, conditions and obligations as contained in Resolution No. 16-227 Approving Preliminary Plan Request for Glen at Widefield East (S-19-004) recorded June 29, 2016 at Reception No. 220505073.

17. Terms, agreements, provisions, conditions, obligations, easements and restrictions, if any, which do not contain a race, color, religion, sex, handicap, familial status, or national origin, as contained in Declaration of Covenants, Conditions, Restrictions and Easements for Glen Pines No. 81 recorded August 1, 2016 at Reception No. 220205840 and Declaration of Covenants, Conditions, Restrictions and Easements for Glen Pines No. 82 recorded August 1, 2016 at Reception No. 220205840.

18. Terms, agreements, provisions, conditions and obligations as contained in Park Lands Agreement, Glen at Widefield Subdivision, No. 25-146 approving said agreement recorded April 25, 2020 at Reception No. 220505946.

19. Terms, agreements, provisions, conditions and obligations as contained in Park Lands Agreement, Glen at Widefield Subdivision, No. 25-146 approving said agreement recorded April 25, 2020 at Reception No. 220505946.

20. Terms, agreements, provisions, conditions and obligations as contained in Park Lands Agreement, Glen at Widefield Subdivision, No. 25-146 approving said agreement recorded April 25, 2020 at Reception No. 220505946.

21. Terms, agreements, provisions, conditions and obligations as contained in Park Lands Agreement, Glen at Widefield Subdivision, No. 25-146 approving said agreement recorded April 25, 2020 at Reception No. 220505946.

22. Terms, agreements, provisions, conditions and obligations as contained in Park Lands Agreement, Glen at Widefield Subdivision, No. 25-146 approving said agreement recorded April 25, 2020 at Reception No. 220505946.

23. Terms, agreements, provisions, conditions and obligations as contained in Park Lands Agreement, Glen at Widefield Subdivision, No. 25-146 approving said agreement recorded April 25, 2020 at Reception No. 220505946.

24. Terms, agreements, provisions, conditions and obligations as contained in Park Lands Agreement, Glen at Widefield Subdivision, No. 25-146 approving said agreement recorded April 25, 2020 at Reception No. 220505946.

25. Terms, agreements, provisions, conditions and obligations as contained in Park Lands Agreement, Glen at Widefield Subdivision, No. 25-146 approving said agreement recorded April 25, 2020 at Reception No. 220505946.

26. Terms, agreements, provisions, conditions and obligations as contained in Park Lands Agreement, Glen at Widefield Subdivision, No. 25-146 approving said agreement recorded April 25, 2020 at Reception No. 220505946.

27. Terms, agreements, provisions, conditions and obligations as contained in Park Lands Agreement, Glen at Widefield Subdivision, No. 25-146 approving said agreement recorded April 25, 2020 at Reception No. 220505946.

28. Terms, agreements, provisions, conditions and obligations as contained in Park Lands Agreement, Glen at Widefield Subdivision, No. 25-146 approving said agreement recorded April 25, 2020 at Reception No. 220505946.

NOTES CONTINUED:

19. The effect of inclusion of the subject property within the El Paso County Public Improvement District No. 2 as described by Resolution No. 20-203 - Resolution Approving a Petition for Inclusion of Property Within El Paso County Public Improvement District No. 2 - Glen at Widefield Filing No. 9 recorded June 21, 2020 at Reception No. 220207639.

20. Notices, notices and easements as shown on the plat of the Glen at Widefield Subdivision No. 9 recorded June 09, 2020 at Reception No. 220714525; Resolution No. 18-384 approving the final plat for Glen at Widefield No. 9 (S-18-005) recorded October 10, 2018 at Reception No. 21811840.

21. Terms, agreements, provisions, conditions, obligations and easements as contained in Private Detention Agreement, Glen at Widefield Subdivision, recorded July 2, 2019 at Reception No. 220207950.

22. Terms, agreements, provisions, conditions and obligations as contained in Subdivision Improvements Agreement recorded June 9, 2020 at Reception No. 220207950.

23. The effect of the Statement of the proposed ownership and maintenance of Tract D to The Glen Metropolitan District as set forth on plat of The Glen at Widefield Subdivision No. 9, recorded June 09, 2020 at Reception No. 220207639.

24. All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.

5. The following reports have been submitted and are on file at the County Planning and Community Development, Soil and Geological, Water and wastewater Resources, Drainage Report, Natural Features Inventory Report, Erosion Control Report, Wetland Delineation Report, and other reports as may be required.

8. The location of all exterior lighting shall be approved by the Director of Aviation to prevent a hazard to aircraft.

7. All exterior lighting plans shall be approved by the Director of Aviation to prevent a hazard to aircraft.

8. No electromagnetic, light, or any other physical emissions which might interfere with aircraft, aviation, communications or radar shall be allowed.

9. The Airport Advisory Commission suggests that residences constructed in this area should include F.A.A. approved sound mitigation construction techniques to obtain at least a 25db reduction in interior noise.

10. All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage systems are not to be used for this purpose. The buyer should familiarize himself/herself with the provisions hereof.

11. No lot or shared garage shall be used, converted, or transferred to any other use, except as permitted by the City of Spring Glen. No lot or shared garage shall be used, converted, or transferred to any other use, except as permitted by the City of Spring Glen.

12. All owner lots will be platted with a Right Visibility and Public Improvement Easement as shown in the Typical Public Improvement Easement diagram attached to this plat. The owner shall be responsible for the installation and maintenance of said easements.

13. The addresses (000) exhibited on this plat are for informational purposes only. They are not the legal descriptions and are subject to change.

14. Direct lot access to Spring Glen Drive is prohibited.

15. The Glen at Widefield Filing No. 9B is subject to the provisions of the Park Lands Agreement as recorded at Reception No. 220205840 in the records of El Paso County, Colorado, recorded on the 22nd day of April, 2020.

16. This property may be adversely impacted by possible radio towers installation on an adjacent parcel. The buyer should familiarize himself/herself with this potentiality and notification thereof.

17. This property is subject to the Protective Covenants, recorded at Reception No. 218082664, in the records of the El Paso County Clerk and Recorder.

18. This survey does not constitute a title search by Pinnacle Land Surveying Company to determine ownership of easements or other interests in the land described herein. A title search by Pinnacle Land Surveying Company is required to determine the full and complete facts and circumstances regarding the ownership and maintenance and easements being vested with individual property owners.

19. This survey is prepared by Pinnacle Land Surveying Company, a Registered Professional Land Surveyor in the State of Colorado, based upon any defect in this survey more than ten (10) years from the date of the certification shown hereon.

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APPROVALS:

This plat for The Glen at Widefield Subdivision Filing No. 9B Plat Note Amendment was approved for filing by the El Paso County, Colorado Planning and Community Development Department, 20____ A.D., subject to any notes or conditions specified hereon: _____

Planning and Community Development Director _____

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plat for THE GLEN AT WIDEFIELD SUBDIVISION FILING NO. 9B Plat Note Amendment was approved for filing by the El Paso County, Colorado Board of County Commissioners on the _____ day of _____, 20____, subject to any notes specified hereon and any conditions included in the resolution of approval.

Chair, Board of County Commissioners _____ Date _____

ASSESSOR: _____

Steve Schickler, El Paso County Assessor

RECORDING:

STATE OF COLORADO) COUNTY OF EL PASO)

I hereby certify that this instrument was filed for record in my office at _____ o'clock _____ M., this _____ day of _____, 20____ A.D., and is duly recorded at Reception No. _____ of the records of El Paso County, Colorado.

SURCHARGE: _____ CHUCK BROERMAN, Recorder

FEES: _____ By: _____ Deputy

SCHOOL FEE - DISTRICT# _____

PARK FEES: REGIONAL: _____ NEIGHBORHOOD: _____

DRAINAGE BASIN: _____ DRAINAGE AND SURETY FEES: _____ BRIDGE FEE: _____

SURVEYOR'S CERTIFICATION:

I, John W. Tower, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on date of survey, by me or under my direct supervision and that all monuments exist as shown on the

The El Paso County Land Development Code! attest the above on this 21st day of January, 2021.

PINNACLE LAND SURVEYING CO., INC.

John W. Tower, Registered Professional Land Surveyor No. 25988

POD File No. SF-20-030

THE GLEN AT WIDEFIELD SUBDIVISION FILING NO. 9B

DRAWN BY: JMW CHECKED BY: JMT DATE: 01/07/21 JOB NO.: 20004300 DWG: 20004300FP.DWG SHEET 1 OF 1

DRAWN BY: JMW CHECKED BY: JMT DATE: 01/07/21 JOB NO.: 20004300 DWG: 20004300FP.DWG SHEET 1 OF 1

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DRAWN BY: JMW CHECKED BY: JMT DATE: 01/07/21 JOB NO.: 20004300 DWG



January 13, 2021

El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: Glen at Widefield Filing No. 9 - Tract D Plat Amendment
Sec. 22, Twp. 15S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 24198

To Whom It May Concern:

We have received the submittal concerning the above-referenced proposal to subdivide a 0.344 +/- acre tract of land, known as Tract D, into two single-family lots. According to the submittal, the proposed supply of water and wastewater disposal is to be served by Widefield Water and Sanitation District ("Widefield").

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided with the submittal references a demand of 0.7 acre-feet/year for both lots. This results in an estimated demand of 0.35 acre-feet/year per lot.

The referral materials indicate that this commitment is wholly included in the 235.17 acre-foot/year previously committed to the Glen at Widefield East Preliminary Plan. The entirety of the Glen at Widefield Filing No. 9 is included within this prior commitment.

Source of Water Supply

The source of water for the proposed development is to be served by the Widefield Water and Sanitation District ("Widefield"). Widefield provided a July 22, 2020 letter confirming a commitment of 0.70 acre-feet for the proposed plat amendment to Tract D. The letter states that the water commitment is wholly included in the previous "The Glen at Widefield East Subdivision" commitment.

State Engineer's Office Opinion

According to this office's records, it appears Widefield has sufficient water resources to serve the proposed development. Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is adequate and can be provided without causing injury to decreed water rights. Should you have any further questions, please feel free to contact me directly.



Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco". The signature is fluid and cursive, with the first name "Ivan" being more prominent than the last name "Franco".

Ivan Franco, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner

County Attorney

Diana K. May, County Attorney
719-520-6485
Centennial Hall
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ElPasoCo.com

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

January 25, 2021

SF-20-30 Glen at Widefield Filing No. 9B
Plat Amendment

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
Edi Anderson, Paralegal, ACP



FINDINGS AND CONCLUSIONS:

1. This is a proposal for the Glen at Widefield Filing No. 9B subdivision by Glen Investment Group No. VIII, LLC ("Applicant"), to replat Tract D, Filing No. 9, a 0.344-acre parcel, into 2 single family lots. Tract D was included in the Glen at Widefield East preliminary plan approved in 2016. The property is zoned RS-6000 (Residential Suburban).

2. The Applicant has provided for the source of water to derive from the Widefield Water and Sanitation District ("District"). Based on the Water Supply Information Summary, the total water supply necessary for this proposal is 0.70 acre-feet (0.35 acre-feet x 2 single family lots). Based on these figures, the Applicant must be able to provide a supply of 210 acre-feet of water (0.70 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement. Since the District's water is considered annually renewable (see below), it is considered to already have a minimum life of 300 years, and therefore, does not have to reserve this total quantity of water.

3. Under Section 8.4.7.C.1., LDC, "[w]ater provided from renewable ground water sources is considered to be annually renewable and, therefore, is considered to have a minimum life of three hundred (300) years." As detailed in the *District Water and Wastewater Report Annual Update* dated January 1, 2020 ("*Report*"), "[t]he system does not rely on any non-renewable water sources," therefore, it appears the proposed water supply is an annually renewable source and falls within the provisions of Section 8.4.7.C.1., and thus the proposed supply is considered to have a minimum life of 300

ASSISTANT COUNTY ATTORNEYS

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LORI L. SEAGO

LISA A. KIRKMAN
STEVEN A. KLAFFKY

MARY RITCHIE
BRYAN E. SCHMID

NATHAN J. WHITNEY
MICHAEL J. DESMOND

CHRISTOPHER M. STRIDER
TERRY A. SAMPLE

years. The *Report* indicates that the District has “current Legal Water Supply Holding” estimated at 7,900 annual acre-feet. “The current Developed Physical Supply is 5271 annual acre-feet. The three year running average actual use is 2615 acre-feet which is roughly 48% of the existing available physical supply.”

4. The District’s General Manager provided a letter of commitment for the entire Glen at Widefield East Subdivision dated July 13, 2015, in which the District committed to providing water service to the entire subdivision of 595 residential lots, plus 1 small park with an annual water requirement of 235.17 acre-feet. The District Engineer provided a subsequent letter dated July 22, 2020 addressing this Filing No. 9 Tract D and stated that the District “commits to providing water and sewer service to the above mentioned subdivision per this letter.... The water commitment is for ‘The Glen at Widefield Subdivision Filing No. 9 Tract D’ being 2 Residential Lots and 0.70 acre-feet, is wholly included in previous ‘The Glen at Widefield East Subdivision’ commitment.”

5. In a letter dated January 13, 2021, the State Engineer reviewed the application to subdivide the 0.344 +/- acre parcel known as Tract D into 2 single-family residential lots. The State Engineer reviewed this matter based on information provided in the Water Supply Information Summary and the District’s letter dated July 22, 2020, which estimated water requirements at a total of 0.70 acre-feet/year for Glen at Widefield Filing No. 9 Tract D. The State Engineer stated that according to their records, “it appears Widefield has sufficient water resources to serve the proposed development” and further, “pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

6. PFCs. On May 19, 2016, the Environmental Protection Agency (“EPA”) announced that it lowered the health advisory levels (“HAL”) for perfluorinated compounds (“PFC”), to 70 parts per trillion. One of the three local water providers whose PFC levels now exceed the EPA’s HAL is Widefield Water and Sanitation District. There has been much coverage in the local press and much public concern expressed over PFCs recently. The District Manager provided a letter dated July 29, 2016 (see **Exhibit 1** attached hereto), in which he explains that the PFCs are unregulated and unenforceable, and the new HAL “. . . in no way impacts or reduces Widefield Water and Sanitation District’s water supply quantity or our ability to serve water to our current or future customers.”

7. Analysis: As indicated above, the Applicant provided a *District Water and Wastewater Report Annual Update* dated January 1, 2020, delineating the sources of the District’s water supply, which is based on surface water rights, renewable groundwater, and a mix of various sources. The *Report* notes that the District does not rely on any non-renewable water sources and that the District’s current Legal Water Supply Holdings are estimated at 7,900 annual acre-feet. The current Developed Physical Supply is 5271 annual acre- feet and the three year running average actual use is 2615 acre-feet which is roughly 48% of the existing available physical supply.” With a proposed annual demand of 0.70 acre-feet and based on the current commitments of the District and the available water supply, it appears the proposed water supply will be sufficient for Glen at Widefield Filing No. 9B.

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8. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

9. Therefore, based upon the finding of sufficiency and no injury by the State Engineer, the District's commitment, the District's explanation that PFCs will not affect the quantity of the District's water supply, and based on the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

cc: Ryan Howser, Planner I

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37 Widefield Boulevard, Colorado Springs, Colorado 80911

RECEIVED

AUG 01 2016

El Paso County
Attorney's Office

July 29, 2016

Cole Emmons
County Attorney's Office
27 East Vermijo Avenue
Colorado Springs, Colorado 80903

Re: Perfluorinated Compounds

Dear Mr. Emmons:

Due to all of the negative media pertaining to PFC's in the water, I wanted to write to you to explain what has occurred and to reiterate in writing that the new health advisory level for PFC's in no way impacts or reduces Widefield Water and Sanitation District's water supply quantity or our ability to serve water to our current or future customers.

On May 19, 2016, the Environmental Protection Agency (EPA) announced it lowered the health advisory levels (HAL's) for both PFOS and PFOA to 70 parts per trillion. In addition, the Colorado Department of Public Health and Environment (CDPHE) decided to include PFHpA into the 70 parts per trillion combined level. By adding three of the PFC's together and lowering the level, the wells in the Widefield aquifer do not meet the new Health Advisory Level. Prior to May 19, 2016, Widefield Water and Sanitation District's well water was below the former Health Advisory Level for PFC's. PFC's are unregulated and unenforceable.

As an unregulated contaminant the EPA nor CDPHE requires public water suppliers to do anything about exceeding the health advisory level for PFC's other than notifying customers that the water may at times exceed the new HAL. WWSD can legally operate all of our wells without providing any form of treatment. Although we are not required by regulations to treat for or remove PFC's from the water, WWSD plans on designing and building a treatment plant(s) to remove PFC's in order to restore and maintain consumer confidence. We are also currently working with the Air Force, who has authorized funds to help us mitigate the PFC concerns, as it is suspected that the Air Force's use of firefighting foams may have contributed to, or caused the PFC contamination.

Widefield Water and Sanitation District water quantity or ability to deliver water is not at all impacted by the PFC issue in any way. In addition, we plan on having it mitigated before next year's high summer demand period.

Sincerely,

A blue ink signature of Steve Wilson, consisting of a stylized 'S' and 'W'.

Steve Wilson, District Manager

